

**MINUTES OF THE COMMON COUNCIL  
WORK SESSION  
November 19, 2013  
City Council Chambers – Rouss City Hall**

**PRESENT:** Councilor Jeff Buettner, Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Vice-Mayor Les Veach; President John Willingham (8)

**ABSENT:** Mayor Elizabeth Minor (1)

**1.0 Call to Order** – President Willingham called the meeting to order at 7:03 p.m.

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone)

Carl Ekberg of 257 Jefferson Street expressed his concerns with the Jefferson Street site regarding the proposed 3 story elementary school, the amount of parking available, the provisions for play fields, and no provisions for a circumferential access road for emergency vehicles.

Tucker Conaboy of 212 Sheridan Avenue and President of C&S Design spoke about the current zoning of the Ridgefield Orchard property for the new John Kerr Elementary School. He expressed his concern that the Economic Analysis was essentially flawed to have compared a theoretical zoning to the current zoning unless the City reopens the 2005 discourse on that area.

Linda Ross of 529 Jefferson Street expressed her concerns for the size of the proposed school on the Jefferson Street lot and the amount of traffic and lack of parking it will bring. She stated she did not want to see the children be shortchanged in their education or, most importantly, their safety.

With no one else wishing to address Council, President Willingham closed the Public Comments at 7:14 p.m.

**3.0 Items for Discussion:**

**3.1 Presentation:** Analysis and Impact of Proposed John Kerr Elementary School Sites

Planning Director Tim Youmans presented an analysis of the zoning of the two sites and the consistency with the Comprehensive Plan. He stated the current site is zoned EIP where schools are allowed by right. An expansion of this site would only require a site plan. The Meadow Branch site has a mix of 3 different zonings and would require a major subdivision approval by Council. With the realignment of Meadow Branch Road, a lot of the commercial development area proffered in the

2005 rezoning would be lost. The Comp Plan calls for locating public land uses in locations that enhance the livability of the city, reduce the conversion of taxable property to non-taxable land uses, and provide for walkable communities with students walking to school for exercise as well.

Public Services Director Perry Eisenach stated both proposals have the construction of a public roadway. For the school to be built in Meadow Branch, it would require about a 3000 foot extension of the road for an estimated cost of about \$4 million. The city has been approved \$2 million through VDOT revenue sharing. The developer has agreed to pay for half of the 4 lane divided roadway with curb and gutter, a sidewalk on one side and the Green Circle Trail on the other side, street lights and possibly a traffic signal at the school entrance. This would be approximately 2/3 of the cost of the new roadway. The other 1/3 of the cost would be split in half between the city and the state. The city's estimated cost for this project would be \$680,000. As part of the John Kerr site, Jefferson Street would be extended about 265 feet to Nester Drive which would be extended across the Bridgeforth property for about 600 feet of roadway. The City has also been approved for Revenue Sharing funds for this project. He has put together an estimated cost of \$1.5 million for the roadway. A sanitary sewer main will need to be installed on Nester Drive and the new school will have a sanitary lift station to pump the waste water up to the sanitary sewer main. If this is built with Revenue Sharing funds, the cost of the roadway would be \$1.5 million and the cost of the sanitary sewer main would be \$175,000 giving a total cost of \$1.7 million (\$950,000 for the City and \$750,000 for VDOT Revenue Sharing funds). This does not include the cost for acquisition of the right- of-ways. His understanding is there would be no cost to the City for the right-of-ways on the Meadow Branch site but he does not have an estimate for the John Kerr site. However, in the proposal submitted by Shockey, a proposed cost to build the road was included. After doing research on this, the City would not be able to use Revenue Sharing funds to do the road. To use Revenue Sharing funds, the City would need to design the project and competitively bid it separately as two separate projects. Staff is still trying to work out the numbers for these projects and is meeting with the Schools to discuss the details later this week.

Stewart Patz, President of S. Patz and Associates, presented a summary of the economic impact study, the development opportunities without a school, and the net tax revenue for each site. He stated the current John Kerr site is zoned EIP and could not be developed under the current zoning and deed restrictions for anything other than educational use. Even with that, the highest and best use of that site would be for low impact housing. The Ridgefield Orchard site in Meadow Branch is in a development corridor. The highest and best use along this corridor near Amherst Street is for medical office space, assisted living space, and new home sales. A 5 year projection period showed there is enough market support that both sites would be able to be developed in that 5 year forecast period. Based on that and the revenue that is projected

compared with costs incurred by the city, there is an opportunity at the Ridgefield Orchard site, at build out, of at least \$200,000 a year in net tax revenue.

### **3.2 Discussion of a Proposed Schedule of Events for Implementing a Storm Water Utility**

Utilities Director Perry Eisenach presented the proposed schedule for implementing a storm water utility as a part of the detailed proposal to result in the adoption of an ordinance in June 2014.

### **3.3 Discussion of Storm Water Regulatory Issues for Implementing a Storm Water Utility**

Mr. Eisenach stated there are three separate areas of regulatory issues for implementing a storm water utility that the City is facing. The Virginia Storm Water Management Program is the state's mandates for storm water issues. The second area of regulations is the Municipal Separate Storm/Sewer Systems (MS4) Permit which is a storm water discharge permit the City has had since 2003. The requirements under the MS4 permit are going to start becoming more stringent and will be more concrete to be in compliance. Although still unknown, these requirements could be things such as increasing street sweeping operations, enlarging current retention ponds, or getting current septic tank users onto the city sewer system. The third issue is the National Flood Insurance Program that is a voluntary program the City participates in. Winchester has 380 acres in the flood plane. Of those, there are 175 flood insurance policies that people have purchased. Since Hurricane Katrina, most flood insurance rates have gone up dramatically. If the City does not participate in the program, no one in the city can purchase flood insurance and people would not be able to obtain mortgages for certain properties in the city. If the City is in the program, it can receive federal aid if there is a flood. The cons are there are a lot of regulations and it requires the City's resources to keep up the program. There are some things the City can do to reduce the premiums of flood insurance that will need to be looked at and pursued.

### **3.4 O-2013-40: AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 9 OF THE WINCHESTER CITY CODE PERTAINING TO WATER PROTECTION (*Implementation of applicable provisions of the Virginia Stormwater Management Plan*)**

Mr. Eisenach stated the Virginia Storm Water Management Program is the mandates by the state driven by the Chesapeake Bay issues. City Code Chapter 9 needs to be amended in order to comply with the state regulations. Currently, the state administers the program that affects any development over 1 acre in size. The state is now making the City take over the program administration. There are permit fees to help fund the program but 28% of what is collected must be sent to the state. The regulations for getting the permit will be more stringent for developers. Existing developments with storm water systems in place

have to be inspected. Until now, the developer, property owner or HOA (homeowners association) hired an engineer to conduct the inspection and then sent it to the state. Now, the City will need to conduct the inspections using city staff. Part of the proposal coming in January will be to add a new position in the engineering department to take on these duties. These changes need to be in place by July 1, 2015. Recently the state made more changes to this program so he will bring this ordinance back in January.

**3.5 O-2013-14:** Second Reading – AN ORDINANCE TO AMEND AND REENACT ARTICLES 18, 21, AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIGNS, VIOLATION AND PENALTY, FEES, AND CORRIDOR ENHANCEMENT TA-13-138 (*Revision to temporary sign provisions and permit requirements*)

Director of Zoning & Inspections Aaron Grisdale reviewed the changes made since the August Work Session that included changing the allocation from a per business/tenant to street frontage, changing the effective date to 90 days after adoption, increasing the residential real estate signs, including “university campus” under the banner provisions, and eliminating “banner” from the temporary advertising banner signs.

Councilor Buettner expressed his concern regarding the linear footage spacing standards and the duration of time signs are allowed. He suggested temporary signs be allowed up to 30 days per quarter instead of 10 days per month to allow more flexibility to business owners.

Councilor Buettner moved to strike the spacing of signage and to change the duration from 10 per month to 30 per quarter. *The motion was seconded by Vice-Mayor Veach then unanimously approved 8/0.*

**3.6 City Manager Report**

a. Cedar Creek Grade Speed Study

City Manager Dale Iman reported he met with Tim Painter, staff and representatives from VDOT and the County and all agreed the Cedar Creek Grade issue was more of a speed problem and not a traffic issue. VDOT informed the group that the normal way of handling the issues would be to do a speed or traffic study. The County will request the speed study to start the process.

b. Cedar Creek Grade Entryway Update

Mr. Iman reported that Planning Director Tim Youmans discussed the gateway sign with the developer who expressed a strong interest in accommodating the request for an easement on Cedar Creek Grade. Staff will develop a design once the easement is done. The design will be similar to the one for Millwood Avenue seen a couple of weeks ago.

#### **4.0 Liaison Reports**

No reports were presented.

#### **5.0 Monthly Reports**

##### **5.1 Fire & Rescue Department**

#### **6.0 Adjourn**

Councilor Weber moved to adjourn the meeting at 9:14 p.m. *The motion was seconded by Councilor Clark then unanimously approved 8/0.*